



Crl.O.P.(MD) No.12172 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12172 of 2022

and

CrL.M.P(MD) No.7696 of 2022

Vinilraj

... Petitioner/ Accused No.1

Vs

1. The State Represented by
The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.
(Crime No.198 of 2015)

... 1st Respondent/Complainant

2. Kannimariyal

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records of the first respondent police pertaining to FIR registered in Crime No.198 of 2015 and quash the same as illegal.

For Petitioner : Mr.K.K.Samy

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl Side)



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.198 of 2015 on the file of the first respondent..

2.The learned counsel appearing for the petitioner submitted that the case has been registered against the petitioner in Crime No.198 of 2015 on 29.08.2015, for the offence under Sections 448, 294(b), 324, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. He further submitted that the respondent Police has not filed final report within the statutory period as prescribed under Section 468 of Cr.P.C., and the Criminal Proceedings against the petitioner is statutorily barred by limitation. Hence, he prayed to quash the criminal proceedings against the petitioner.



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3.The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the final report has not been filed as on date.

4. On perusal of the materials available on records, the facts reveal that the case has been registered against the petitioner in Crime No.198 of 2015, on 29.08.2015, for the offence under Sections 448, 294(b), 324, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. The offence punishable under Sections 448 of I.P.C, is imprisonment for one year, or fine of Rs.1,000/- or both, 294(b) of I.P.C, is imprisonment for three months or with fine or both, 324 of IPC, is imprisonment for three years or fine or both, 506(i) I.P.C, is imprisonment for two years or fine or both all the offences are punishable imprisonment below three years. The Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, is imprisonment for three years. The statutory period for prosecution is below three years and the final report has not been filed within three years. Therefore, it is a case of statutorily barred for by continuing the criminal proceedings and it is liable to be quashed.



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5. Accordingly, this Criminal Original Petition is allowed and as a sequel, the further criminal proceedings of the FIR in Crime No.564 of 2015, is hereby quashed as barred by limitation. Consequently, the connected criminal miscellaneous petition is closed.

12.07.2022

Internet: Yes./No

Index: Yes/no

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To

1. The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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ORDER IN
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12.07.2022